

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 10/25/2018 9:14:04 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Compilation 10/25/18

TWing, but would like to chat when you are free

Best regards,

Andrew

Andrew Mutter

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From: Benevento, Douglas
Sent: Thursday, October 25, 2018 3:02 PM
To: Mutter, Andrew <mutter.andrew@epa.gov>
Subject: RE: Compilation 10/25/18

Are you around?

From: Mutter, Andrew
Sent: Thursday, October 25, 2018 2:35 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: Compilation 10/25/18

From: Agarwal, Ilena
Sent: Thursday, October 25, 2018 2:35:15 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Compilation 10/25/18

Climate

E&E News: 'Nobody believes those numbers'

Wired: TRUMP'S ATTACKS ON THE ENVIRONMENT ARE MOSTLY FAILING

E&E News: A look at the climate science sent to Trump

Clean Air Act

San Francisco Chronicle: Chevron agrees to \$150M settlement with EPA for violating Clean Air Act at California refineries

Daily Caller: CHEVRON AGREES TO \$160 MILLION SETTLEMENT AFTER TRUMP'S EPA FOUND A TON OF SAFETY VIOLATIONS

Science Transparency

Chemical Watch: US EPA's science 'transparency' proposal likely delayed until 2020

Washington Examiner: E-cigarette makers want the Trump FDA to treat them like the EPA treats emitters

E&E News: Trump admin jettisons letter grades for NEPA reviews

Lead

Chicago Tribune: EPA petitions judge to sample 9 East Chicago homes for lead and arsenic

Daily Caller: SCOOP: EPA DELAYS REPEAL OF OBAMA-ERA TRUCK REGULATIONS CAUSING MASS LAYOFFS

Emissions:

Columbia Tribune: EPA rollbacks puts Missourians at risk

Forbes: EPA's Return To Rigorous Cost-Benefit Analysis Continues With Impending Methane-Rule Revision

Roundup:

Fox News: Popular breakfast foods contain active ingredient found in Roundup weed killer, study finds

Ethanol:

Forbes: Food Vs. Fuel: What Trump's Ethanol Policy Means For The Food System

E&E News: 'Nobody believes those numbers'

<https://www.eenews.net/stories/1060104337>

Maxine Joselow, Thursday, October 25, 2018

The Trump administration is claiming that weakening one of President Obama's biggest climate rules will save the U.S. economy between \$120 billion and \$340 billion.

That's a lot of money. And many experts aren't buying it.

"Do I believe any of these numbers? The answer's no. Nobody believes those numbers," said Jeff Alson, a former staffer in EPA's Office of Transportation and Air Quality.

At issue is the administration's projected cost savings from rolling back Obama-era tailpipe pollution rules for cars.

EPA and the National Highway Traffic Safety Administration this summer proposed freezing fuel economy standards at 2020 levels through 2026, rather than increasing their stringency each year as President Obama had envisioned (Greenwire, Aug. 2).

Then last week, a senior administration official told reporters that freezing the standards would save between \$120 billion and \$340 billion (Greenwire, Oct. 17).

Those numbers are astronomically high. The administration official also said regulatory rollbacks across all federal agencies last year saved \$23 billion — less than one-fifth as much.

Those numbers also directly contradict the Obama administration's assertions.

When issuing the car standards in 2012, EPA estimated that climate benefits greatly outweighed their compliance costs. In its regulatory impact analysis, the agency said the rules would result in climate benefits of between \$106 billion and \$126 billion as a result of reduced air pollution. EPA also said automakers would need to spend less than \$800 per vehicle to meet the standards.

The Trump administration flipped that analysis on its head to justify the rollback. In its own preliminary regulatory impact analysis, it argued that the rules were too costly for automakers to meet and that weakening them would have a negligible impact on air quality.

"This huge discrepancy between the original analysis and the new analysis that's being used to justify the rollback should raise red flags for anyone," said Jessica Wentz, a senior fellow and associate research scholar at Columbia University's Sabin Center for Climate Change Law.

"It doesn't seem right," Wentz said. "How on Earth could enough new information have come to light that it would make sense for them to be reaching the complete opposite conclusion about the economic impact of the standards?"

Alson said the Trump administration "cooked the books" by making a number of flawed assumptions in its analysis.

"They made so many assumptions, most of which are biased, some of which are horribly wrong," said Alson, who retired five months ago after a 40-year career at EPA.

'Scrappage model'
So what were the flaws?

Wentz pointed to the Trump administration's approach to the social cost of carbon, which estimates a dollar value for the harm caused by climate change.

The Trump administration based its calculation on a domestic social cost of carbon, whereas the Obama administration relied on a global social cost of carbon value.

The domestic approach is problematic because climate change is a global problem, Wentz said. "If all countries did that, we would have completely inadequate climate action," she said.

The Trump administration also made unrealistic assumptions about consumer behavior, said Joshua Linn, a senior fellow at the nonpartisan think tank Resources for the Future.

"Really, the major issue seems to be the assumptions they make about the way that households decide what vehicles they want to own and how much they're going to drive those vehicles," Linn said.

Unpacking those assumptions is complicated. They're related to something called the "scrappage model" — a projection of when consumers will "scrap" an older vehicle in favor of a newer model.

The Trump administration's reasoning went like this: Weakening the car rules would lower the cost of a new car. That would encourage people to buy new cars and scrap their older vehicles, resulting in fewer vehicle miles traveled (VMT), fewer traffic accidents and less air pollution.

But Linn said that reasoning was flawed. He said the Trump administration made erroneous claims about the scrappage model. In particular, he said research shows that people who bought new cars would likely still keep their older models and drive them occasionally. That would result in more VMT, more traffic accidents and more air pollution — and lower projected cost savings.

"From the literature, what we think would happen is that if you had two older cars, you might scrap one but drive the other one more," said Alan Krupnick, another senior fellow at Resources for the Future who worked with Linn on a recent blog post about the car rules. "So at the end of the day, you wouldn't get the benefits that the Trump administration says you would get."

In regulatory comments, experts have also pointed out that the Trump administration ignored available technology that can reduce the cost of complying with the car rules. For example, it failed to consider Atkinson cycle technology applied to turbocharged engines — something the Obama administration considered in its 2016 technical assessment report that called for maintaining the current standards through 2025.

Concern has also surfaced on Capitol Hill.

Sen. Tom Carper (D-Del.), ranking member on the Environment and Public Works Committee, sent EPA and NHTSA a letter last week detailing perceived flaws with their car rules proposal.

"The pending proposal is rife with seemingly unlawful assertions and erroneous assumptions," Carper wrote in the letter. "I have attached a non-exhaustive list of some of the most significant deficiencies in your Agencies' proposal."

The "non-exhaustive list" stretches seven pages and includes the concerns about the scrappage model and vehicle technology.

The car rules are a joint endeavor between EPA and NHTSA. But the relationship between the two agencies has been fraught at times.

In August, allegations surfaced that NHTSA political appointees had steamrolled EPA career staff in their rush to finalize the rollback (Greenwire, Aug. 2).

And in comments submitted to the White House Office of Information and Regulatory Affairs this summer, EPA pointed out "significant and fundamental flaws" in NHTSA's modeling and asked that its logo be removed from the proposal (Climatewire, Aug. 16).

The comment period on the car rules rollback ends tomorrow.

Wired: TRUMP'S ATTACKS ON THE ENVIRONMENT ARE MOSTLY FAILING

<https://www.wired.com/story/trumps-attacks-on-the-environment-are-mostly-failing/>

David Hayes- October 25, 2018

This story originally appeared on Slate and is part of the Climate Desk collaboration.

It is a popular fiction that despite its many foibles, the Trump administration has been successful in dismantling environmental regulations. Given the sheer number of attacks levied on energy and environmental regulations involving the coal, oil, gas, and automotive industries, casual observers might reasonably conclude that the administration is deploying a successful deregulatory strategy.

It is not. The administration has made multiple efforts to put Obama-era regulatory requirements on ice, but these efforts have largely failed. With its delay tactics in tatters, the administration is now taking a different approach—instead of just stopping old regulations, it's surfacing new replacement rules that would let industry walk away from environmental and public-health and safety obligations that have solid evidentiary support and broad appeal. But having squandered half of its four-year term, the White House faces an uphill climb in developing and finalizing many of its major environmental rollback initiatives, and getting them past now-skeptical courts, before the clock runs out.

The efforts to roll back the oil and gas industry's obligations to reduce methane emissions specifically illustrate this reality. Trump's Environmental Protection Agency and Interior Department tried, first, to quickly sideline methane regulations. The gambit failed. Progressive state attorneys general and environmental groups pounced, and won, exposing an impulsive administration that had failed to do its legal homework.

The Trump administration targeted two specific methane rules that the Obama administration had finalized before it left office: the EPA's New Source Performance Standard, or NSPS, and the Interior Department's methane-waste reduction rule. The Obama administration finalized the EPA methane rule in June 2016. It focuses primarily on detecting and repairing methane leaks for new oil and gas drilling activities. In May 2017, former EPA Administrator Scott Pruitt announced a 90-day delay for a key compliance deadline for the NSPS. Three weeks later, the EPA proposed a bare-bones "suspension" rule that sought to delay implementation of the existing rule for two years.

State attorneys general and environmental groups immediately petitioned for court review, arguing that the EPA had no authority to nullify key compliance requirements by administrative fiat. The District of Columbia Circuit Court agreed. It moved swiftly to strike down the EPA's compliance delay, ruling that "an agency issuing a legislative rule is itself bound by the rule until that rule is amended and revoked" through a formal, substantive "notice and comment" process. This ruling sent the EPA back to the drawing board for 14 months.

A similar pattern applies to the Interior Department's restrictions on methane emissions for oil and gas operations conducted on public lands. The department promulgated the methane "waste prevention rule" in November 2016 in response to evidence gathered by the Government Accountability Office and other watchdog groups that some oil and gas drillers were wasting valuable, publicly owned assets by venting and flaring large quantities of unwanted methane in violation of the Mineral Leasing Act.

Like its efforts to sideline the EPA's methane restrictions, the Trump administration tried to nullify the Interior Department's methane-waste reduction rule. Initial efforts included a failed attempt to overturn the rule under the Congressional Review Act and an unsuccessful petition in the normally friendly U.S. District Court of Wyoming to enjoin operation of the rule. In June 2017, Interior Secretary Zinke announced that the department was delaying industry-compliance requirements under the rule. This effort also failed. A federal court in California agreed with California's and New Mexico's attorneys general, Xavier Becerra and Hector Balderas, that the Interior Department must complete a full

rule-making process under the Administrative Procedure Act, or APA, before it can set aside the Obama rule. The court also noted that the Interior Department could not justify its change in direction by myopically focusing on the rule's compliance costs to industry. It also must consider "the benefits of the rule, such as decreased resource waste, air pollution, and enhanced public revenues."

Undeterred by its failures, Zinke's Interior Department moved forward with a "suspension" rule that purported to put off the waste-reduction rule for a full year. California's and New Mexico's attorneys general sued again, arguing that the suspension rule represented an unlawful attempt to circumvent the APA's substantive notice-and-comment rule-making process. In February, Judge Orrick in the Northern District of California agreed, noting, "The BLM's reasoning behind the Suspension Rule is untethered to evidence contradicting the reasons for implementing the Waste Prevention Rule."

After suffering one defeat after another in its repeated attempts to suspend or delay Obama-era methane regulations, the Trump administration's leadership at EPA and the Interior Department is finally taking on the much harder task of developing and justifying entirely new rules, instead of just rolling back the rules we have. Whether or not they will be successful in turning back the inevitable judicial challenges is murky at best.

The EPA recently proposed a replacement for the NSPS rule that would roll back inspections and repair requirements and drop requirements for third-party validation of leak-detection and repair activities. The new rule identifies modest cost savings to industry but offers no clear, fact-based rebuttal to the Obama administration's analysis of the benefits of the previous rule. Assuming that the EPA pushes forward to a similar final rule, it will confront a strong challenge to the foregone benefits associated with its weakened rule when it faces judicial scrutiny.

The Interior Department also is now moving forward with a replacement rule after the courts rejected the Trump administration's initial efforts to sideline its methane-waste reduction rule. More specifically, it promulgated a new final rule last month that purports to completely remove restrictions on the oil and gas industry's wasting of methane through excessive venting and flaring activities. Within hours of its release, attorneys general Becerra and Balderas challenged the final rule in federal court. In order to succeed in the rule's implementation, the Interior Department must overcome the substantial administrative record that addressed the necessity of regulations proposed in the old rule. (When overturning the department's attempted suspension of the methane-waste reduction rule, Judge Orrick emphasized the Supreme Court's teachings that new administrations cannot simply overturn policies that had been legally established by previous administrations and that the high court requires a "more detailed justification" for overturning existing regulations than what is required for the creation of wholly new regulations from scratch.)

Meanwhile, state attorneys general have put the EPA on the defensive on other methane-emissions-related developments. A coalition of state attorneys general sued the EPA in April for failing to comply with its obligation under the Clean Air Act to restrict methane emissions from existing oil and gas drilling operations. (The NSPS standards apply only to new oil and gas operations.) Eight state attorneys general also sued the EPA in May for failing to enforce compliance deadlines set forth in a separate rule that applies to methane emissions from landfills. Those suits remain pending.

The same pattern seen in the Trump administration's efforts to roll back EPA and Interior Department requirements to reduce harmful methane emissions is playing out in other environmental and energy contexts. In recent weeks, federal courts struck down attempts by the administration to delay implementation of Obama-era rules protecting workers and first responders from exposure to dangerous chemicals during accidents in industrial chemical facilities as well as delays by the EPA in banning the use of a dangerous pesticide, chlorpyrifos, on food crops.

In all of these matters, Trump's initial deregulatory efforts failed. Some, like the Administration's decision not to enforce the 2015 ozone rule, are being dropped entirely. Others are wending their way forward, typically with a cloudy future in terms of their ultimate deregulatory success. Even very high-profile deregulatory matters like the Clean Power Plan and car-tailpipe emissions requirements are only now getting underway in earnest. While the Supreme Court stayed enforcement of the Obama administration's Clean Power Plan in 2016, EPA did not propose a replacement rule—the so-

called Affordable Clean Energy Plan—until two months ago. It will be many months more before the replacement rule is finalized and subjected to judicial scrutiny. The same is true for the administration’s proposed rules rolling back emissions reductions for cars and light trucks.

In short, many of the Trump administration’s efforts to remove regulations that it complains are burdening the energy industry remain at the starting gate. In the coming months, courts will have an opportunity to weigh in and, for at least some of the new rules, send the administration back to the drawing board.

None of this is to say that the administration’s onslaught against common-sense regulations and other protections that benefit the environment and public health and safety is not doing real harm. Agencies are taking actions outside the rule-making context, through guidance documents, lack of enforcement, and other administrative actions, to put industry interests above the public interest. But the clock is ticking on many of the administration’s most serious rollback efforts, and increasingly, time is not on Trump’s side.

San Francisco Chronicle: Chevron agrees to \$150M settlement with EPA for violating Clean Air Act at California refineries

<https://www.sfchronicle.com/bayarea/article/Chevron-agrees-to-150M-settlement-with-EPA-for-13334740.php>

Lauren Hernández Oct. 24, 2018 Updated: Oct. 25, 2018 2:19 a.m.

Chevron will spend \$150 million to replace vulnerable pipes and improve corrosion inspections of its refineries as part of a national settlement reached Wednesday with the Environmental Protection Agency, the U.S. Department of Justice and the Mississippi Department of Environmental Quality, for repeatedly violating Clean Air Act provisions.

An investigation into Chevron's refinery practices was sparked following a fire involving "high-temperature hydrocarbons" that were released in the Crude Unit at Chevron's Richmond refinery on August 6, 2012, the EPA said.

Roughly 15,000 local residents sought medical attention after hydrogen sulfide was released into the air, 19 employees were "endangered" by the release and Contra Costa County officials implemented a shelter-in-place order at the time.

EPA officials learned Chevron reported other instances where hazardous materials were accidentally released at two of its other refineries in the country.

Chevron's El Segundo refinery experienced a pipe rupture, fire and power outage in 2013 and one Chevron employee, Tonya Graddy, died after a fire and explosion occurred at another refinery in Pascagoula, Mississippi.

"The Clean Air Act's hazardous chemical risk management program is intended to protect local communities and American workers," said Jeffrey Wood, the acting assistant attorney general of the Justice Department's Environment and Natural Resources Division. "Today's action will help to protect their workers and the communities in which they live from dangerous chemical accidents."

As part of the settlement, Chevron will spend \$150 million to replace any pipes at risk of rupturing, make improvements to its corrosion inspections and trainings, conduct pilot studies of safety control for "fired heaters" and make safety improvements to all of its refineries located in the United States.

Chevron, headquartered in San Ramon, will pay another \$2.95 million in civil penalties and will implement what the EPA calls "supplemental environmental projects," referring to supplying emergency response equipment to communities neighboring its refineries in: Richmond and El Segundo, California, Pascagoula, Mississippi, and Salt Lake City, Utah. The stipulation also includes a refinery that was formerly operated by Chevron located in Kapolei, Hawaii.

"The company places the highest priority on the protection of employees, communities and the environment, and continually works to enhance the safety of its operations," said Braden Reddall, a Chevron spokesman. "As part of this settlement, Chevron U.S.A. Inc. has agreed to significant investments at its refineries to enhance the safety and reliability of operations."

Chemical Watch: US EPA's science 'transparency' proposal likely delayed until 2020

<https://chemicalwatch.com/71259/us-epas-science-transparency-proposal-likely-delayed-until-2020>

Lisa Martine Jenkins- 25 October 2018

The US EPA does not plan to finalise its controversial science 'transparency' proposal until early 2020, according to its recently released autumn regulatory agenda.

The 'Strengthening transparency in regulatory science' proposal – announced in April – seeks to overhaul the EPA's process for evaluating science.

If adopted, it would require that the regulatory science underlying EPA actions be publicly available, and independently replicable and verifiable.

The proposal says this is necessary to ensure transparency and so the agency can pursue "its mission of protecting public health and the environment in a manner that the public can trust and understand." But its detractors say that it will result in the EPA disqualifying certain studies, which may lead to inadequate regulatory responses.

An array of organisations and individuals – including academics, consumer and environmental groups, and physicians – has argued that the proposed rule might be at odds with the requirements of TSCA. As amended by the 2016 Lautenberg Act, TSCA requires the EPA to rely on "best available science" and "reasonably available information", taking into account the "weight of scientific evidence". In August, nearly 90 organisations backed comments arguing that the measure is incompatible with this mandate.

"EPA should not adopt the proposed rule because it cannot be reconciled with the agency's duties under TSCA," added the Environmental Defense Fund (EDF) in a separate comment letter.

However, the US Chamber of Commerce and the American Chemistry Council have defended the proposal, saying that the agency should "show its work" when regulating, especially when it comes to health, environment, livelihoods and economy.

It has been a source of controversy for an agency already experiencing upheaval under the Trump administration. The comment period was extended from the original 30 days, finally closing on 16 August. During that time, the EPA received over half a million responses.

California attorney general Xavier Becerra – who was among the 16 state-level attorneys general to file a comment opposing the measure during its consultation – considers the delay a small victory for those who oppose it.

"EPA just shelved this misguided proposal," Mr Becerra said on Twitter. "Now they should get back to their core mission of protecting human health and the environment."

Washington Examiner: E-cigarette makers want the Trump FDA to treat them like the EPA treats emitters

<https://www.washingtonexaminer.com/policy/healthcare/e-cigarette-makers-want-the-trump-fda-to-treat-them-like-the-epa-treats-emitters>

by Robert King- October 25, 2018 12:00 AM

Advocates for e-cigarettes are perplexed as to why the Trump Food and Drug Administration is taking such an aggressive posture against the industry, especially after other agencies like the Environmental Protection Agency have adopted more industry-friendly policies.

E-cigarette advocates have said they are disappointed in the FDA's threats of bans on e-cigarette sales in convenience stores and new regulations. The FDA has ratcheted up scrutiny of the burgeoning industry in response to what the agency calls an "epidemic" of e-cigarette use among minors.

"I expected the administration to have a de-regulatory policy as they have done at other agencies like the EPA," said Jeff Stier, senior fellow at the consumer advocacy group Consumer Choice Center. "I expected that approach [at EPA] that we can protect the environment while still cutting regulations. Why can't the FDA do the same?"

Several advocates who talked to the Washington Examiner said that the FDA's sharp rhetoric, which is backed up by Health and Human Services Secretary Alex Azar, is lashing compared to other federal agencies' deregulatory attitudes.

"The FDA seems to be the only agency within the Trump administration that doesn't understand the directive of this president for a de-regulatory and light touch approach to businesses and consumers," said Paul Blair, director of strategic initiatives for Americans for Tax Reform, a group led by Grover Norquist.

Other advocates are waiting to see what moves Gottlieb will make, saying that he hasn't made any official ban yet.

"Some of his rhetoric has been disappointing but ultimately actions matter more than words," said Gregory Conley, president of the American Vaping Association, which is a nonprofit vaping advocacy group.

While the FDA acknowledges that e-cigarettes are safer than traditional combustible cigarettes, it has argued there is no scientific consensus that e-cigarettes are an effective device to stop smoking.

The agency has also issued warnings to more than 1,300 retailers for sales to minors. It also raided the offices of popular e-cigarette maker JUUL Labs in a surprise inspection and seized documents on its marketing practices.

Gottlieb has previously said that he thinks e-cigarettes are safer to use than traditional combustible cigarettes, but he doesn't want the trade-off to be getting an entire generation hooked on nicotine. He cited preliminary federal data that showed e-cigarette use among middle schoolers increased by about 50 percent in 2017.

The FDA's likely next move is not to ban sales in convenience stores but instead to force companies to get FDA approval for products already on the market, several advocates said.

Gottlieb has threatened to speed up an approval deadline, which could wreak havoc on the e-cigarette industry and invite "a lot of litigation," Stier said.

Gottlieb has said he'll move the deadline up if the industry doesn't crack down on sales to minors, an about-face given that he had previously extended the deadline to 2022 from this year.

"If products are being unlawfully marketed and outside the FDA's compliance policy, we'll act to remove them," Gottlieb said in a statement last month. "This includes revisiting our compliance policy that has resulted in certain e-cigarettes, including flavored e-cigarettes, remaining on the market until 2022 while their manufacturers submit applications for premarket authorization."

The FDA referred the Washington Examiner to past statements by Gottlieb when asked for comment.

Anti-smoking groups are pleased with the agency's crackdown on e-cigarettes. The Campaign for Tobacco-Free Kids recently told the Washington Examiner that it is hoping the FDA will soon ban flavors for e-liquids, which are used in e-cigarettes. They believe that flavors are a key way that entices kids to use e-cigarettes.

But the agency should not focus on the manufacturers but the resellers of e-cigarettes that are ignoring federal law that prohibits sales to minors, said Peter Pitts, president and co-founder of the group Center for Medicine in the Public Interest.

Pitts worked with Gottlieb at the FDA during the George W. Bush administration. He said that he was a bit surprised in Gottlieb's approach but added that his former colleague is "dealing with a lot of issues."

He suggested that Gottlieb should focus on a more "subtle and collaborative approach."

"If you are trying to regulate somebody out of business, I don't think you can expect anything other than pushback," he said.

Chicago Tribune: EPA petitions judge to sample 9 East Chicago homes for lead and arsenic

<https://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-epa-soil-samples-st-1025-story.html>

By Craig Lyons

The U.S. Environmental Protection Agency has asked a federal judge to give it access to nine East Chicago properties at the U.S.S. Lead Superfund site that haven't been checked for lead or arsenic.

The EPA Monday filed for administrative warrants that would allow them to sample the soil at nine properties in Zone 3 of the Superfund site, in the East Calumet neighborhood, as staff has not been able to get permission from owners for the tests.

"EPA has a reasonable basis to believe that the nine unsampled properties may be contaminated with lead or arsenic at levels that may pose a threat to human health and the environments," the EPA said, in court filings.

The EPA said that knowing that hazardous substances have been found at other properties, it gives them "reasonable basis" to seek court-ordered access, according to court documents. The agency said the only way to know if the nine properties have high levels of lead or arsenic is to test the soil.

At three properties, the owners refused to grant the EPA access; two were non-responsive; and four were listed as abandon with owners that could not be contacted, according to court documents.

"EPA seeks access only to the outside areas of the nine unsampled properties and only to collect soil samples," the EPA said, in court filings. "The collection at each property is expected to take under four hours and will not interfere with a resident's use of their home."

The EPA began securing access agreement in 2014, according to court filings.

Two homes in the 4900 block of Drummond Street in East Chicago still need to be tested for lead and arsenic. (Joe Puchek / Post-Tribune)

Of the 481 properties in Zone 3, the EPA had access to 472 and sampled in 468. The EPA found that 289 of those needed remediation, according to the EPA.

The EPA expected to remediate 278 of the 289 properties by the end of the year, according to court filings.

Daily Caller: SCOOP: EPA DELAYS REPEAL OF OBAMA-ERA TRUCK REGULATIONS CAUSING MASS LAYOFFS

<https://dailycaller.com/2018/10/25/epa-delays-repeal-truck-regulations-mass-layoffs/>

Michael Bastasch 11:20 AM 10/25/2018

EPA won't be giving any short-term relief to embattled glider kit manufacturers. Instead, EPA will try to issue a rule change to Obama-era regulations by late next year. Meanwhile, glider manufacturers have had to lay off hundreds of employees. The Environmental Protection Agency (EPA) will not be providing any near-term relief to manufacturers burdened by Obama-era regulations on glider kits, two sources familiar with the matter told The Daily Caller News Foundation.

EPA Acting Administrator Andrew Wheeler told EPA staffers Wednesday he would not be granting glider kit manufacturers a compliance extension, one source with knowledge of the meeting told TheDCNF.

A second source said EPA would instead be issuing a rule to keep the glider industry from going under in the long-term, but that's not expected to come out until late next year. An EPA spokesman confirmed the agency is working on a glider rule. (RELATED: No 'Smoking Gun'? New York's Climate Lawsuit Against Exxon Isn't What You Think)

"EPA is continuing to develop a rule for the glider industry that better balances economic growth alongside continued environmental progress," EPA spokesman James Hewitt told TheDCNF.

Gliderers are new truck chassis fitted over refurbished engines, which typically cost less and are more fuel efficient than new trucks. Obama-era rules capped glider kit production at individual companies, meaning some have had to lay off hundreds of workers to decrease their output.

Acting Administrator of the Environmental Protection Agency Andrew Wheeler speaks during an event in the Oval Office of the White House in Washington

Acting Administrator of the Environmental Protection Agency Andrew Wheeler speaks during an event hosted by U.S. President Donald Trump with workers on "Cutting the Red Tape, Unleashing Economic Freedom" in the Oval Office of the White House in Washington, U.S., Oct. 17, 2018. REUTERS/Joshua Roberts.

It's another hurdle in the Trump administration's plan to keep companies that refurbish used truck engines from having to lay off more workers. Already, major glider manufacturers have laid off hundreds of employees because of Obama-era rules.

Glider manufacturer Fitzgerald will be forced to cut production about 90 percent from previous years to meet Obama-era regulations, and the company has already laid off about half its workforce, which numbered more than 700 before regulations went into effect. Indiana Phoenix Inc. and Harrison Truck Centers have also warned of layoffs should regulations continue.

Former EPA Administrator Scott Pruitt began working to repeal glider kit regulations after Fitzgerald submitted a petition to the agency in 2017. However, that effort has been hampered by legal setbacks and career bureaucrats resisting the administration's agenda.

President Donald Trump supported rolling back glider regulations, and as a candidate met with coal miners and glider executives at a Fitzgerald facility in 2016.

Recent court decisions, however, have made EPA more wary of how it goes about rolling back Obama administration regulations, according to a source familiar with the agency's thinking. In other words, EPA sees pursuing a compliance extension for glider makers as a waste of resources.

EPA officials feel the "court has shown the willingness to limit tools under the Trump administration that previous administrations had enjoyed," the source told TheDCNF. That includes limits on EPA's discretion in enforcing regulations.

EPA's biggest setback came in July when the D.C. Circuit Court blocked EPA from issuing a "no action assurance" notice on glider regulations. After the decision, Wheeler reversed course and decided to enforce Obama-era glider regulations.

"I have concluded that the application of current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's exercise of enforcement discretion," Wheeler said in a statement at the time.

Democrats praised Wheeler's decision, including from Delaware Democratic Sen. Tom Carper, the ranking member on the Senate committee responsible for EPA oversight — the Committee on Environment and Public Works (EPW).

EPW would also be responsible for confirmation hearings should Trump promote Wheeler from acting administrator to full-time agency head. Wheeler has met with Carper at least twice since taking over EPA in July, according to his public schedule.

Democrats, environmentalists and major truck manufacturers, including Volvo, support capping glider kit production.

E&E News: A look at the climate science sent to Trump

<https://www.eenews.net/stories/1060104341>

Scott Waldman, - Thursday, October 25, 2018

The White House requested a PowerPoint presentation for President Trump from a group devoted to attacking climate science.

During the transition period after Trump's electoral victory, senior White House aides reached out to the Heartland Institute, a think tank that works to cloud the findings of scientists, to request a presentation on climate change, said James Taylor, the organization's senior fellow for environment and energy policy.

Taylor said the request came after former Vice President Al Gore met with Trump to talk about rising temperatures in December 2016.

"He's an open-minded and intelligent man, so of course he wanted the best information arguments that both sides had to offer," Taylor said. "We were invited to send in the PowerPoint for the president's viewing, which we did. We were expecting to get a call to do so in person, but we received a call that it was unnecessary, that we won the day."

Taylor refused to provide the PowerPoint to E&E News unless the news outlet organized a public debate between Taylor and Gore. Taylor said he would "kick Gore's butt" in a science debate, "the way Mike Tyson beat Michael Spinks." He was referring to the 1988 bout between two undefeated boxing champions.

Taylor said the PowerPoint was similar to the group's publication, "Climate Change Reconsidered." The publication, which drew insights from 117 scientists, economists and others, including many funded by the energy industry, concluded that the world needs more fossil fuels and that climate change isn't a problem.

The Heartland publication states that climate scientists don't understand environmental economics, that the unprecedented spike in warming in recent decades may be natural, and that fossil fuels lift people out of poverty and help them live longer.

It highlights areas of uncertainty from the Intergovernmental Panel on Climate Change, which won the Nobel Peace Prize in 2007, while downplaying its overarching message that humans are warming the planet at an accelerating rate. The Heartland publication cites the work of many researchers funded by the energy industry, including some that have been nominated to the Trump administration's scientific advisory boards at EPA and whose work is used to fight climate regulations.

"Fossil fuels have benefited humanity by making possible the prosperity that occurred since the first Industrial Revolution, which made possible investments in goods and services that are essential to protecting human health and prolonging human life," the publication says. "Fossil fuels powered the technologies that reduced the environmental impact of a growing human population, saving space for wildlife."

Taylor could not say whether Trump had personally seen the PowerPoint, and the White House did not respond to a request for comment. It's not clear what, if any, climate research has been considered directly by the president.

The world's major science academies determined long ago that there is no legitimate academic debate about whether humans are driving climate change. Countless studies have traced how humans are warming the planet at an unprecedented pace through the burning of fossil fuels. Also, global warming is permanently changing parts of the planet, and it won't "go back," as Trump claimed last week.

Trump has recently been pressed about climate change by reporters because the IPCC report released earlier this month contained a series of dire warnings that time is running out to craft a global climate policy that could curb some of the worst effects of climate change.

Though Trump's comments on climate change are mostly dismissive, they reflect a slight shift in rhetoric, observers say. It might provide clues into the types of research that have reached the president's attention, whether through a presentation or, more likely, from friends, family or advisers, according to George David Banks, a former White House adviser under Trump.

In the past, Trump has dismissed climate science as a "hoax." On a cold day in April 2016, he said, "We need some global warming!"

His newest assertions suggest that the president has picked up some new talking points, said Pat Michaels, director of the Center for the Study of Science at the conservative Cato Institute. He said Trump appears to have been briefed on the contents of his 2016 book, "Lukewarming." He's glad that Trump no longer calls climate change a "hoax" and doesn't explicitly reject the role of humans on warming, even if the extent of people's contribution is unknown, as Michaels sees it.

Michaels thinks the president has absorbed the lukewarm argument, which is a line of thinking among skeptical conservatives that claims humans have some effect on climate but are not the primary cause of rising temperatures.

"Somewhere it's getting through or maybe it was just fortuitous," said Michaels. "He said it's not a hoax and he really gave what I think is the basis of the lukewarm argument, which is there is some effect, it doesn't appear to be as large as it is forecast to be, which isn't much difference than he said."

Researchers who question climate science recognized a kindred spirit when Trump said that "scientists also have a political agenda."

"I have a natural instinct for science, and I will say that you have scientists on both sides of the picture," Trump told the Associated Press when asked about the IPCC report last week.

Trump's rhetoric has shifted recently, and it could be because he was influenced by those within the administration who accept climate science, said Banks, the former White House energy and climate adviser.

"It appears the president's message around climate has moderated away from openly calling it a hoax to suggesting that humanity has a role but is unsure of the size of the role," he said. "I think that is likely due to his many conversations with Ivanka [Trump] and people within that circle, including foreign officials and climate activists."

The false notion that there is a debate in climate science has been pushed by conservative think tanks and politicians for years. Just 15 percent of the public understands that 97 percent of the scientists publishing in peer-reviewed literature agree on climate change, according to Yale University polling.

Former EPA Administrator Scott Pruitt, who resigned amid a series of ethics investigations, tried to create a "red team, blue team" climate debate that would have portrayed science as a partisan battle, rather than a field of science that trended in the same direction for years.

EPA officials brought in Will Happer, an emeritus physics professor at Princeton University, to discuss the debate. It was later canceled by White House officials. Happer, who does not have a degree in climate science, met with Trump during the transition and told him that climate science had "become sort of a cult movement in the last five or 10 years," he said in an interview with The Scientist magazine.

Happer told the magazine that Trump agreed with him. Last month, Trump appointed Happer to serve on the National Security Council as the senior director for emerging technologies. Happer also heads the CO2 Coalition, which advocates for a rejection of climate science, and he has said the world is in a "CO2 drought" and that rising levels of greenhouse gases are harmless.

The CO2 Coalition, Cato Institute and Heartland Institute have all received funding from the Mercer family. The family is one of Trump's top donors and spent about \$4 million in 2016 on groups that fight against climate science, according to tax records.

One place where Trump won't be receiving a personalized climate briefing is at NASA, one of the world's top researcher agencies on global warming.

The federal government employs hundreds of climate scientists who could articulate climate science to the president, but there is no indication that he has ever sought a briefing. NASA Administrator Jim Bridenstine, who previously rejected mainstream climate science as an Oklahoma congressman but said his views "evolved" after he took over the space agency, recently said he had no plans to brief Republicans about climate science.

"Look, if I start engaging in what to do about the science that we receive, then it politicizes what NASA is all about, and we don't want to do that," Bridenstine told The Atlantic magazine in an interview last week. "All we're going to do is study the planet and make sure that all of that data and all of that science is made available to the public."

Columbia Tribune: EPA rollbacks puts Missourians at risk

<http://www.columbiatribune.com/news/20181025/epa-rollbacks-puts-missourians-at-risk>

By Laura Remy- Posted at 10:56 AM

As a nurse, I know that having access to clean air to breathe and clean water to drink is essential for human health. That is why it is so alarming that the U.S. Environmental Protection Agency is rolling back vital clean air and water safeguards, putting the health of millions of Americans at risk. Since the formation of the EPA, and due to regulatory efforts to clean up our air, land and water, great progress has been made. However, rollbacks threaten to halt this progress.

Over the past five decades, EPA programs have helped reduce lead pollution by over 90 percent. This means fewer children with permanent neurological harm and a greater chance to succeed in school and life. Similarly, regulations under the Clean Air Act are estimated to realize \$2 trillion in benefits by 2020.

However, there is still work to be done. Children and families in Flint, Michigan, and Kansas City are still getting sick from toxic lead pollution. In addition, residents of Missouri are still breathing air that is dangerous to their health. According to the American Lung Association's most recent State of the Air report, St. Louis earned a grade of "F" for ground-level ozone (smog). Exposure to ground-level smog can harm lung health, trigger asthma attacks and lead to premature death. It's not surprising that the prevalence of childhood asthma in St. Louis is double the state rate.

As a nurse, I have seen the harmful effects on human health firsthand. Heavy metals, air pollution and poor water quality lead to increases in cancer, asthma, cardiovascular disease and more. The impacts of these lead to more premature deaths, more restricted activity days and more missed of work. We must do more to protect the health of Missourians.

In order to protect against environmental exposures that harm health, the EPA must develop and implement strong health-based standards. After all, the mission of the EPA is first and foremost to protect public health. Yet current efforts from the Trump Administration's EPA, such as weakening cleaner car standards, repealing the Clean Water Rule and replacing the landmark Clean Power Plan with a deadly and ineffective plan, show that leadership is prioritizing the

interests of polluters over the health of the public. Which is why I went to Washington, D.C. to meet with Missouri's senators to emphasize the importance of EPA in ensuring the necessary health protections for our state residents and urged them to oppose these life-threatening roll backs.

Ultimately, strong environmental regulations and programs act as a way to hold industry accountable to ensure that operations don't contribute to undue harm to the public. When the places families and children live, work and play are clean environments, we see improved health outcomes. This is why a reversal of essential safeguards and limiting EPA's ability to protect public health would only would create devastating impacts for the public.

Members of Congress must consider the link between environmental health protections with improved health. Americans deserve fresh air to breathe and clean water to drink; the health of our most vulnerable depend on it. Adequate investments today and into the future in core environmental health activities can be a critical down payment on health, productivity and happiness of countless Americans.

Daily Caller: CHEVRON AGREES TO \$160 MILLION SETTLEMENT AFTER TRUMP'S EPA FOUND A TON OF SAFETY VIOLATIONS

<https://dailycaller.com/2018/10/25/chevron-settlement-clean-air-act-epa/>

Tim Pearce: 11:10 AM 10/25/2018

The oil and gas company Chevron settled with the Environmental Protection Agency (EPA) Wednesday, agreeing to pay over \$160 million in penalties, maintenance and safety upgrades.

The EPA, Department of Justice and Mississippi Department of Environmental Quality began investigating claims that Chevron has failed to maintain Clean Air Act safety standards at its facilities nationwide.

"This case demonstrates the importance of performing equipment inspections and maintenance in accordance with environmental regulations," Susan Bodine, assistant administrator of EPA's Office of Enforcement and Compliance Assurance (OECA), said in a statement. "Under this settlement Chevron, U.S.A Inc. will improve their safety systems and monitoring equipment, protecting their employees and the surrounding communities."

The investigation launched after a Chevron refinery in California caught fire in August 2012, releasing "extremely hazardous" hydrogen sulfide. The leak endangered nearly 20 employees and caused 15,000 local residents to find medical attention, the San Francisco Chronicle reported.

During the investigation, two more Chevron facilities in California and Mississippi had accidents that released "regulated chemicals" in 2013. One employee died after an explosion and fire broke out at the facility he was working at.

The oil company will spend \$150 million replacing pipes and equipment and on better training and procedures for personnel at its U.S. plants. It will also centralize authority for company safety.

Chevron will spend another \$10 million on environmental cleanup and protection projects and pay a nearly \$3 million civil penalty.

"The company places the highest priority on the protection of employees, communities and the environment, and continually works to enhance the safety of its operations," Chevron spokesman Braden Reddall said, according to the San Francisco Chronicle. "As part of this settlement, Chevron U.S.A. Inc. has agreed to significant investments at its refineries to enhance the safety and reliability of operations."

Forbes: EPA's Return To Rigorous Cost-Benefit Analysis Continues With Impending Methane-Rule Revision

<https://www.forbes.com/sites/wlf/2018/10/25/epas-return-to-rigorous-cost-benefit-analysis-continues-with-impending-methane-rule-revision/#2e1538793cba>

Marc Robertson- October 25, 2018

The Environmental Protection Agency (EPA) is set to propose changes to the regulation of mercury emissions that can recalibrate the balance between the costs of such controls and the benefits they confer. This action would be consistent with other administrative agency moves, which we have discussed recently here, to elevate the level and quality of economic analysis that past and future regulations must undergo.

The proposal EPA recently sent to the White House's Office of Management and Budget characterizes the Mercury and Air Toxics Standards Rule for Power Plants ("MATS rule") as a needlessly expensive mandate and recommends that its costs and benefits should be recalculated. The MATS rule was aimed at reducing toxic power-plant emissions, but utilities have spent an estimated \$9.6 billion a year to comply with the new standards, while the mercury emissions reductions have led to a comparatively small estimated annual benefit of \$4 million to \$6 million. When signing the Energy Independence Executive Order, the President singled out MATS, stating, "Perhaps no single regulation threatens our miners, energy workers, and companies more than this crushing attack on American industry."

When the MATS rule was first enacted, EPA did not even bother conducting a cost-benefit analysis. This led to a Supreme Court case, *Michigan v. EPA*, which considered whether, under § 112 of the Clean Air Act's "necessary and proper" provision, EPA must analyze costs before promulgating a regulation. EPA argued the law allowed it to consider costs at a later date and not when the regulatory process first begins. The Court held that EPA unreasonably failed to consider all relevant factors, including costs, when determining whether a regulation is "appropriate and necessary." Justice Scalia explained the holding, saying, "One would not say that it is even rational, never mind 'appropriate,' to impose billions of dollars in economic costs in return for a few dollars in health or environmental benefits." *Michigan v. EPA*, 135 S. Ct. 2699, 2707 (2015).

The Court did not strike down the MATS rule; rather, it required EPA to review and rewrite it in a manner that took costs into consideration at the outset. In order to justify the rule, EPA contended that the "co-benefits" of the rule amounted to \$37 billion to \$90 billion in savings. These co-benefits resulted from incidental reductions of secondary pollutants, such as particulate matter. EPA claimed the reduction of particulate matter led to savings in annual health costs and lost workdays due to less premature deaths, heart attacks, asthma, etc.

In fact, "more than 99%" of the co-benefits of the MATS rule were attributable to the particulate matter known as PM2.5, rather than direct benefits from a reduction in mercury. Chief Justice John Roberts, during oral argument in *Michigan v. EPA*, suggested that EPA was using its authority to regulate mercury "to get additional regulation of the [particulate] pollutants. And so it's sort of an end run around the restrictions that would otherwise ... give you less control over the regulation."

It Takes An Ecosystem: Transportation-Focused Executives Turn To Outside Providers, Customers, Suppliers And Competitors
Grads of Life BRANDVOICE

The revised MATS rule will put an end to that type of circumvention and expose the glaring imbalance between compliance costs and actual methane-emission reduction. In the near term, the revision will reduce the burden on the development or use of domestic energy resources. In the longer term, the revision will encourage the creation of standards that can more effectively target methane emissions.

EPA's manipulation of regulations' financial benefits is not unique to the MATS rule. A 2011 study showed that, in six of twelve EPA analyses of major rules from 2009 to 2011, co-benefits accounted for all of the benefits. In two others, co-benefits accounted for greater than 99% of the benefits. See Anne E. Smith, Ph.D., An Evaluation of the PM2.5 Health Benefits Estimates in Regulatory Impact Analyses for Recent Air Regulations, NERA Economic Consulting 8 (Dec. 2011). Perhaps once EPA has finished its MATS rule revision, it will turn to those six rules and their improper use of co-benefits.

Regulators and the Americans that they serve should tune out the special-interest activists that have severely criticized the Administration's renewal of rigorous cost-benefit analysis. Their vision of environmental, health, and safety protections at any cost does not reflect reality and poorly serves the public on whose behalf they claim to advocate.

Cost-effective regulation can be both an engine of economic growth and a means of preserving public health. Spending billions in return for a few dollars of health benefits, as Justice Scalia wrote in *Michigan*, diverts businesses' attention and resources from not only the creation of jobs, but the development of new technologies that can lead to reductions in harmful waste.

Fox News: Popular breakfast foods contain active ingredient found in Roundup weed killer, study finds

<https://www.foxnews.com/health/popular-breakfast-foods-contain-active-ingredient-found-in-roundup-weed-killer-study-finds>

By Madeline Farber- October 25, 2018

At least 28 samples of popular oat-based cereals and snack bars made by popular household names — General Mills and Quaker — contained glyphosate, an active ingredient used in Monsanto's Roundup weed killer, the Environmental Working Group (EWG) discovered in a new study released this week.

The EWG, a nonprofit advocacy group, said Wednesday it "detected glyphosate in all 28 samples of products made with conventionally grown oats," noting all but two of the 28 samples tested "had levels of glyphosate above EWG's health benchmark of 160 parts per billion, or ppb."

Out of the 28 products tested, Quaker Oatmeal Squares breakfast cereal had the highest level of the herbicide, which the advocacy group said was "nearly 18 times higher than EWG's children's health benchmark."

That said, it's important to note the levels of glyphosate found in the products — which include Quaker Instant Oatmeals Apples & Cinnamon, Quaker Breakfast Squares Soft Baked Bars Peanut Butter and a variety of Cheerios flavors, such as Chocolate, Apple Cinnamon and Very Berry, among others — were within acceptable limits, as dictated by the the U.S. Environmental Protection Agency and the U.S. Food and Drug Administration, CBS News reported.

"But just because something is legal doesn't mean it's safe," the EWG argued. "Federal government standards for pesticides in food are often outdated, not based on the best and most current science. The EPA's standards for pesticides and other chemicals are also heavily influenced by lobbying from industry."

The findings come after the EWG announced in August it found trace amounts of the ingredient in "all but two of 45 samples of products made with conventionally grown oats," the organization said at the time. Some of the items included Quaker Old Fashioned Oats and popular breakfast cereals made by General Mills, such as Cheerios and Lucky Charms.

The World Health Organization, in a 2015 report, said the herbicide glyphosate, along with insecticides malathion and diazinon, are "probably carcinogenic to humans," adding there was "limited evidence of carcinogenicity in humans for non-Hodgkin lymphoma and prostate cancer" for malathion. "Limited evidence," in reference to the World Health Organization's report, means researchers have determined there is a "positive association" between exposure to glyphosate and cancer, but said, "other explanations for the observations (called chance, bias, or confounding) could not be ruled out."

In 2017, the California Office of Environmental Health Hazard Assessment announced glyphosate "would be added to the list of chemicals known to the state to cause cancer."

However, following the August report, many health professionals said consumers should remain calm and encouraged more research before cutting out some of these popular foods.

"Whenever you see a one-off article like that, you have to do more investigation," Scott Goldstein, a pediatrician at the Northwestern Children's Practice, told the Chicago Tribune at the time.

"When the EPA or the American Academy of Pediatrics, or Centers for Disease Control talks about taking away Cheerios, then my ears would perk up," he added.

Paul Pharoah, a professor of cancer epidemiology at the University of Cambridge in Britain, previously told NBC News evidence suggesting glyphosate raises the chances of developing non-Hodgkin lymphoma is "very weak."

In August, both General Mills and the Quaker Oats Company responded to the findings by saying the "levels of glyphosate remain within the regulatory levels set by the Environmental Protection Agency," EWG wrote in a statement at the time.

Both companies echoed these sentiments in statements to Fox News on Thursday.

"We proudly stand by the safety and quality of our Quaker products," a Quaker spokesperson said in a statement in reference the findings released this week. The spokesperson added the company does not "add glyphosate during any part of the milling process" and noted the herbicide is commonly used by farmers prior to harvest.

"Once the oats are transported to us, we put them through our rigorous process that thoroughly cleanses them (de-hulling, cleaning, roasting and flaking)," the spokesperson said. "Any minimal levels of glyphosate that may remain in finished products where oats are an ingredient are significantly below regulatory limits and well within compliance of the safety standards set by the Environmental Protection Agency (EPA), the California Office of Environmental Health Hazard Assessment, Health Canada and the European Food Safety Authority (EFSA) as safe for human consumption."

"We believe EWG's approach is invalid, and we stand behind our statement that the Quaker products tested by EWG are safe. Producing healthy, wholesome food is Quaker's number one priority, and we've been doing that for more than 140 years."

A General Mills spokesperson said in a statement the company's "top priority is food safety and has been for over 150 years," copying Quaker in saying glyphosate is commonly used by farmers.

"The extremely low levels of pesticide residue cited in recent news reports is a tiny fraction of the amount that the government allows. Consumers are regularly bombarded with alarming headlines, but rarely have the time to weigh the information for themselves," the statement continued.

E&E News: Trump admin jettisons letter grades for NEPA reviews

<https://www.eenews.net/eenewspm/2018/10/25/stories/1060104423>

Nick Sobczyk and Maxine Joselow - Thursday, October 25, 2018

EPA will no longer issue letter grades in its reviews of environmental permitting documents, according to a memo issued earlier this week.

The memo states that EPA will stop using the Reagan-era grading system in draft environmental impact statements (EISs) issued under the National Environmental Policy Act.

It's a change long sought by industry and worrisome to some environmentalists, who say it could undermine transparency and public participation in the permitting process.

Brittany Bolen, a Trump appointee who leads the Office of Policy, shared the memo with colleagues Monday, according to an email obtained by E&E News.

"Please see attached memo revising EPA's environmental review rating process under NEPA," Bolen wrote. "If you have any questions, please do not hesitate to contact me."

Scott Slesinger, legislative director with the Natural Resources Defense Council, said the change could make it harder for the public to interpret draft environmental assessments. The documents can be hundreds of pages long, and a simple letter grade can make them easier to digest, he said.

"Removing the grading system makes it harder for the press and for the public to really evaluate what type of draft EIS they've done," Slesinger said.

Slesinger used the analogy of students showing parents their report cards. Without letter grades, he said, parents would find it harder to interpret their child's performance.

Section 309 of the Clean Air Act gives EPA power to review other agencies' draft EISs, an authority the Trump administration proposed to eliminate as part of its infrastructure plan released earlier this year (Greenwire, Feb. 12).

E&E Explains video still on NEPA. Video production and narration by Pamela King/E&E News

When a company wants to build a pipeline, road or other infrastructure, federal agencies are required by the National Environmental Policy Act (NEPA) to review the project's environmental impact. But how does NEPA work and why is it controversial? E&E News Explains provides a simple overview. Pamela King/E&E News

EPA says tossing out letter grades in those reviews "will not lessen environmental protections." Rather, the change will "eliminate perceptions that ratings are inconsistently applied across the Agency," Bolen wrote in the memo.

She added that EPA had received feedback from officials at other federal agencies, who said EPA's written comments on their environmental review documents are more useful than the letter grades.

NEPA experts said the change is small but significant — and perfectly legal.

The tweaks to EPA's Section 309 reviews are a commonsense fix to what had become "an antiquated procedure," said Fred Wagner, a partner with Venable LLP who served as chief counsel for the Federal Highway Administration under President Obama.

Wagner said that in his experience, the vast majority of documents got a grade of "EC," for "environmental concerns." Agencies would then go in and make changes or add explanations to the document, which will still happen under the new guidance.

In short, the grades themselves had become meaningless, Wagner said. "I've been mentioning this to people for over 10, almost 15 years," he said.

The change has already won the praise of industry groups, such as the National Association of Manufacturers, which say it's one more step in the administration's efforts to reduce permitting time for infrastructure projects.

"These improvements will help increase manufacturers' ability to create jobs and to remain globally competitive," Robyn Boerstling, NAM's vice president for infrastructure, innovation and human resources policy, said in a statement.

"Needless delays to the permitting process have an enormous impact on the infrastructure manufacturers rely on to ship goods to market and to supply affordable and reliable energy."

But Raul Garcia, legislative counsel for Earthjustice, said it's not clear that the change will benefit industry across the board. Instead, he said it could help selectively because it makes EPA's reviews less transparent.

"This is making everything more ambiguous and less clear," Garcia said. "The agency won't know what the standards are. So this isn't an issue that just cuts pro or against industry, or pro enviro."

The Trump administration has sought to make other changes to NEPA permitting, as well. Its most wide-ranging proposal is to rewrite the White House Council on Environmental Quality's NEPA regulations, which guide environmental permitting across the federal government.

EPA didn't immediately respond to a request for comment.

Forbes: Food Vs. Fuel: What Trump's Ethanol Policy Means For The Food System

<https://www.forbes.com/sites/jennysplitter/2018/10/25/food-vs-fuel-what-trumps-ethanol-policy-means-for-the-food-system/#1de846ed4c38>

Jenny Splitter- October 25, 2018

The Environmental Protection Agency is moving forward with President Trump's directive to lift a federal ban on high ethanol blended gas during the summer months, though not quickly enough for Senator Chuck Grassley of Iowa, who Reuters reports is urging the EPA to lift the ban on a much quicker timeline. Lifting the ban is a policy shift that's being celebrated by large-scale corn growers and decried by biofuel opponents. But the policy has implications for the food system too, as many food system reformers say the last thing U.S. farmers should be growing is more corn.

Corn is a complicated crop. It's highly efficient, nutrient-packed and yet, on the other hand, the U.S. probably grows too much of it. Corn has earned its fair share of criticism — it's starchy, grown industrially and ubiquitous in ultra-processed food — but this leading cereal crop has also more than earned its place as an agricultural success story.

Modern maize is descended from an ancient grass called teosinte. Corn's ancient precursor was modified over the years by careful seed saving efforts, brought into the U.S. from Mexico by indigenous tribes where it was later introduced to early European settlers, eventually becoming a staple of colonial American cooking.

Synthetic fertilizer, advances in transportation and government subsidies all paved the way for corn to become the U.S.'s highest yielding crop. More corn meant more feed for cattle, which led to a boon in the production of beef and milk, plentiful protein sources for a growing American population.

Corn is nutritionally dense and genetically diverse. There are many, many different types of maize — including popcorn, corn with higher lysine and protein content, blue corn and corn with rainbow-colored gemstone-like kernels. But most of the corn grown in the U.S. doesn't belong to any of these unique varieties because most of it isn't actually grown for human consumption at all, and that's the crux of the food system problem.

Process operator Dean Wingerter takes a corn oil sample, a product used in the production of bio-diesel fuel, at the Great River Energy Blue Flint Ethanol plant in Underwood, North Dakota, U.S. CREDIT: Photographer: Daniel Acker/Bloomberg

More than 90 million acres of U.S. farmland is devoted to growing corn, but most of it goes to animal feed and ethanol production. Corn grown for ethanol fuels cars rather than people, and that's a significant problem for the coming global food crisis, argues Tim Searchinger, Senior Fellow at the World Resources Institute.

Ethanol production began increasing in the 1990s (more than doubling between 1999 and 2004), thanks to a combination of federal and state policies favoring ethanol-blended fuel. Ethanol production surged even more dramatically after authorization of the renewable fuel standard in 2005, passed in part to reduce American reliance on foreign oil. Dependence on foreign oil did indeed decline over the years, but that doesn't mean the U.S. is less reliant on oil as a fuel source. Americans are still pumping plenty of gas, with more now sourced from U.S.-based fracking operations.

An employee inspects freshly picked ears of bi-color sweet corn at the Scotlynn Sweet Pac Growers packing facility in Belle Glade, Florida, U.S Credit: Photographer: Mark Elias/Bloomberg

That's not the only problem with policies favoring ethanol production, however. The increasing reliance on ethanol, ethanol blends and biofuels isn't actually better for the food system or the environment, argues Searchinger, and that's because of what he describes as "basically a kind of math error."

Biofuel advocates argue that even though burning biofuel emits at least as much if not a bit more carbon than regular gas, based on both tailpipe emissions as well as the emissions resulting from ethanol production, those carbon emissions are canceled out because similar levels of carbon are absorbed by the corn when it's growing in the field.

That would be true, says Searchinger, if the land weren't already in use as farmland prior to shifting to ethanol production. Since the crops grown on the land have been absorbing carbon all along, "you can't take credit for something that was already occurring."

That calculus, along with increasing global demand for food, cuts against policies favoring crops for ethanol production, argues Searchinger. "We already have this huge challenge that we have to produce more or less 50% more food," he says, so why use that farmland for what turns out to be an inefficient fuel source?

It takes a large amount of land to produce a relatively small amount of bioenergy, explains Searchinger, who argues in his working paper, *Avoiding Bioenergy Competition For Food Crops and Land*, that "[a]lthough photosynthesis is an effective means of producing food, wood products, and carbon stored in vegetation, it is an inefficient means of converting the energy in the sun's rays into a form of non-food energy useable by people." That's because it takes a fair amount of energy to take these plants, in this case corn, and convert them into ethanol.

But the plants themselves are renewable, biofuel advocates argue, as more and more can be planted indefinitely. Not so fast, says Searchinger, who says these renewable crops are kind of like a monthly paycheck. Sure, next month there will be another paycheck, but it's still important to spend that paycheck wisely. "That's the same for plant growth...we can use it for food...for wood products, we use it to store carbon, we use it actually to replenish carbon that microbes are putting back in the atmosphere [but] if we use it for energy, we lose the other uses." The Renewable Fuels Association, leading trade association for the ethanol industry, rejects this argument, pointing to low food prices and food surpluses in support of continued ethanol production.

Corn might be an inefficient source of fuel, but it's an incredibly efficient food crop — a high-yielding, whole grain nutritious option. One ear of corn contains 10% of an adult's recommended daily fiber intake, with the high lysine varieties providing a fairly decent amount of protein to boot. Many different cuisines rely heavily on corn, which is part of why corn is the leading cereal crop grown throughout the world, followed by rice and wheat.

Corn may be starchy and industrially grown, but that's exactly what makes it an abundant source of nutrition. With corn's high yields and caloric density, it serves as a far better food source than it does as a source for fuel. That's not to say the U.S. agricultural system couldn't stand to boost other nutritionally dense crops like tubers and oats. Cover crops and new microbial solutions for reducing fertilizer use can aid soil health too. But policies that increase demand for ethanol mean more of the food system will continue to be devoted to corn grown for fuel, not food, which seems to be the opposite direction from where food system reform should be headed.